

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA,

CR 21-50087

Plaintiff,

FACTUAL BASIS STATEMENT

vs.

JAMES W. WILLIAMS,

Defendant.

The undersigned Defendant, James W. Williams, stipulates that the following facts are true and the parties agree they establish a factual basis for the plea in the action pursuant to Federal Rules of Criminal Procedure 11(b)(3):

On Tuesday, May 12th, 2020, Instagram sent a CyberTip involving suspected child sexual abuse material to the National Center for Missing and Exploited Children (NCMEC). On May 13th, 2020, ICAC Investigator Jesse Fagerland sought and obtained a search warrant to view the image and confirm whether the image appeared to be child sexual abuse material. The image depicted a female between the approximate ages of 10 and 13 years of age exposing her pre-pubescent vagina and undeveloped breasts to the camera.

The CyberTip was traced to an Instagram account named "ban_all_memes." Investigator Fagerland sought and obtained a search warrant to Facebook (the owner of Instagram) for that account. After a review of the Facebook search warrant return, Investigator Fagerland located the same image contained in the CyberTip. Investigative agents determined the owner of Instagram account holder "ban_all_memes" to be James W. Williams, originally from New Jersey, but then residing in Rapid City, South Dakota.

On December 3, 2020, ICAC agents interviewed Williams. Williams admitted his Instagram account "ban_all_memes" had been banned from Instagram. Williams admitted using that account to download "henti" (animated pornography). When agents showed Williams a sanitized copy of the image contained in the original CyberTip, Williams ultimately admitted he received the image via Instagram. Williams also admitted he had seen approximately ten images of child sexual abuse material while using his Instagram account. ICAC agents seized Williams' phone and forensically analyzed it. Forensic analysis of Williams' phone revealed 39 images and 8 videos of child sexual abuse material. The phone also revealed Williams had used the Kik messaging application to receive images of child sexual abuse material. Williams received all the images of child sexual abuse material via the internet between November 7, 2019, and December 3, 2020.

10/3/23

Date

Date

Date

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James W. Williams IV
JAMES W. WILLIAMS
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